IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

WP(C).No. 34288 of 2006(F)

PETITIONER:

BABY JOSEPH, PART-TIME HINDI TEACHER,
PNKM UPPER PRIMARY SCHOOL,
KARAVOOR P.O., PUNALUR.

BY ADV. SRI.M.V.THAMBAN

RESPONDENTS:

---

1. ASSISTANT EDUCATIONAL OFFICER,
PUNALOOR.

2. DEPUTY DIRECTOR (EDUCATION), KOLLAM.

3. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO THE GOVERNMENT, DEPARTSMENT
OF GENERAL EDUCATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

- -

WP.(C) No.34288 OF 2006

- -

Dated this the 12th day of January, 2007

JUDGMENT

Case of the petitioner is as follows:

Petitioner was originally appointed as Part time Hindi teacher with effect from 2.6.2004. The appointment was not approved due to the claim put forward by one Smt.V.J.Bhasura, who claims a right under Rule 51A for preferential appointment as she has approved service and she filed a writ petition, which is pending. Manager appointed petitioner again with effect from 2.6.2005 vide Ext.P2 which is stated to be against the retirement vacancy. It is the case of the petitioner that the prayers are to direct the first respondent to approve the appointment of the petitioner from 2.6.2004 or alternatively from 2.6.2005 and to disburse salary and there is also a prayer for a declaration that petitioner is entitled to approval and salary for the period she had been working. Counsel for the petitioner submits that she is not pressing the prayer in relation to approval of the appointment from 2.6.2004 and he submits that this court may direct consideration of the question of approval of the appointment vide Ext.P2. I feel that

a direction can be given to the educational authority to consider the case of the petitioner for approval of the appointment vide Ext.P2 in accordance with law. This is on the basis of the case of the petitioner that Smt. Bhasura retired with effect from 31.3.2005.

Accordingly, the writ petition is disposed of directing the first respondent to consider and take a decision on the question of approval of the petitioner in regard to Ext.P2 order of appointment and pass appropriate orders in accordance with law within a period of one month from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

sb

K.M.JOSEPH, JJ.

- - - - - - - - -- -

W.A. No. OF

- -- - - - - - - - - - - - - - -

JUDGMENT

Dated this the day of February, 2006.